

STATE OF MONTANA TERM CONTRACT

Department of Administration
State Procurement Bureau
165 Mitchell Building
PO Box 200135
Helena, MT 59620-0135
Phone: (406) 444-2575 Fax: (406) 444-2529
TTY Users-Dial 711
<http://www.mt.gov/doa/gsd>

T.C. #: MA-165
Title: WESTERN STATES CONTRACTING ALLIANCE
TIRES, TUBES & SERVICES
This is a non-exclusive contract.

CONTRACT TERM	FROM	MARCH 1, 2008	CONTRACT STATUS	NEW ()
	TO	FEBRUARY 28, 2009		RENEW (xx)
VENDOR ADDRESS	MICHELIN NORTH AMERICA, INC PO BOX 19001 GREENVILLE, SC 29602		ORDER ADDRESS	This is the first renewal, second year of the contract.
ATTN:	LARRY SMELTZ		ATTN:	
PHONE:	864-458-6487		PHONE:	
FAX:	864-458-5119		FAX:	
E-MAIL:	Larry.smeltz@us.michelin.com		E-MAIL:	

PRICES: Pricing may be found by going to the following website listed below:

<http://www.aboutwsca.org/contracts/tires.cfm>.

DELIVERY: Notwithstanding the foregoing, nothing herein shall prohibit the delivery of products or services pursuant to this contract by contractor's authorized independent dealers or franchise. Contractor may assign any right to receive payment to a third party.

TERMS: PER CONTRACT

WSCA FV7901

RHONDA R. GRANDY, Contracts Officer

Date:

AUTHORIZED SIGNATURE

TIRES, TUBES & SERVICES

This document represents an overview of the Western States Contracting Alliance Tires, Tubes & Services. This document is not intended to replace or append the contract, rather to provide an overview and summary of the agreement.

1.0 BACKGROUND

The State of Montana is a member of the Western States Contracting Alliance (WSCA), which establishes the means by which participating states may join together in cooperative multi-state contracting in order to achieve cost-effective and efficient acquisition of quality products and services. This contract is a result of cooperative procurement conducted by the State of Utah on behalf of WSCA.

2.0 PURPOSE

The purpose of this contract is provide state agencies and all registered cooperative purchasing organizations with an expedited means of obtaining Tires, Tubes & Services

3.0 NON-EXCLUSIVE CONTRACT

The intent of this contract is to provide state agencies with an expedited means of procuring supplies and/or services. This contract is for the convenience of state agencies and is considered by the State Procurement Bureau to be a "Non-exclusive" use contract. Therefore, agencies may obtain this product/service from sources other than the contract holder(s) as long as they comply with Title 18, MCA, and their delegation agreement. The State Procurement Bureau does not guarantee any usage.

4.0 LIAISON

The primary contractor contact for this participating addendum is as follows:

Larry Smeltz
One Parkway South
Greenville, SC 29615
864-458-6487
864-458-5119

State Liaison

Rhonda R. Grandy
State of Montana, General Services Division, State Procurement Bureau
125 N. Roberts, Mitchell Bldg., Room 165
Helena, MT 59620
Phone: 406-444-3320
Fax: 406-444-2529
Email: rhgrandy@mt.gov

TIRES, TUBES & SERVICES

5.0 ORDERING PROCEDURE

In accordance with the terms of the contract, an agency purchase order must be issued to the contractor for all required products. The purchase order must reference the contract number WSCA MA-331 and identify all items desired, the purchase order date, the delivery date, shipping locations and prices.

6.0 CONTRACT TERM

This contract shall take effect on March 1, 2008 and terminate on February 28, 2009 unless terminated earlier in accordance with the terms of this contract. (Mont. Code Ann. § 18-4-313.) The original contract term was from October 24, 2007 through February 28, 2008.

7.0 CONTRACT RENEWAL

This contract may, upon mutual agreement between the parties and according to the terms of the existing contract, be renewed in one-year intervals, or any interval that is advantageous to the State. This contract may be extended for four renewal periods, if mutually agreed upon.

TIRES, TUBES & SERVICES

**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE
TIRES, TUBES & SERVICES
MASTER PRICE AGREEMENT
WSCA MA-165, "PRICE AGREEMENT"**

Government Entity: The State of Montana

1. SCOPE:

All governmental entities within the State of Montana and all registered Cooperative Purchasing Organizations are authorized to purchase Tires, Tubes & Services under WSCA master agreement #MA-165.

2. CHANGES:

The following terms are added to this Participating Addendum:

A. ACCESS AND RETENTION OF RECORDS

The contractor agrees to provide the department, Legislative Auditor, or their authorized agents, access to any records necessary to determine contract compliance (Mont. Code Ann. § 18-1-118). The contractor agrees to create and retain records supporting the services rendered or supplies delivered for a period of three years after either the completion date of the contract or the conclusion of any claim, litigation, or exception relating to the contract taken by the State of Montana or third party.

B. ASSIGNMENT, TRANSFER AND SUBCONTRACTING

The Contractor shall not assign, transfer or subcontract any portion of this contract without the express written consent of the State. (Mont. Code Ann. § 18-4-141.) The Contractor shall be responsible to the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the Contractor. No contractual relationships exist between any subcontractor and the State.

C. CHOICE OF LAW AND VENUE

This contract is governed by the laws of Montana. The parties agree that any litigation concerning this bid, proposal or subsequent contract must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana and each party shall pay its own costs and attorney fees. (See Mont. Code Ann. § 18-1-401.)

D. TERMINATION OF CONTRACT

Unless otherwise stated, the State may, by written notice to the contractor, terminate this Participating Addendum whole or in part without cause.

E. PURCHASING CARD

The State of Montana has a Purchasing Card Program in place that gives agencies the ability to charge purchases made from these contracts. The State of Montana prefers this method of payment.

3. PRIMARY AGREEMENT CONTACT:

Rhonda R. Grandy

4. PRICE AGREEMENT OR CONTRACT NUMBER:

All purchase orders issued by purchasing entities within the jurisdiction of this participating addendum shall include Price Agreement or Contract Number: WSCA #MA-165.

This Addendum and Price Agreement or Contract Number together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Price Agreement or Contract Number, together with its exhibits, shall not be added to or incorporated into this Addendum or Price Agreement/Contract Number and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Price Agreement or Contract Number and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms.

Pricing may be found by going to the WSCA link at the following site:

<http://www.aboutwsca.org/contracts/tires.cfm>.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Government Entity: State of Montana

By: General Services Division

Name: Marvin Eicholtz

Title: Administrator

Date:

By: _____

Name: Rhonda R. Grandy

Title: Contracts Officer

Date: September 1, 2007

Contractor: Michelin North America, Inc.

By: _____

Name: Roger G. Handren

Title: National Government Sales Manager

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

MICHELIN AUTHORIZED DEALERS IN THE STATE OF MONTANA

**The Tire Guys, Inc
190 Andrea Drive
Belgrade, MT 59714
406-388-0001
Fax: 406-388-7769**

**Whalen Tire, Inc
2318 First Ave North
Billings, MT 59103
406-245-3088
Fax: 406-246-9493**

**The Tire Guys, Inc
1401 Industrial Ave
Billings, MT 59101
406-248-7342
Fax: 406-245-0257**

**L.P. Anderson Tire Co, Inc
DBA Northwest Tire
3471 Montana Ave
Billings, MT 59103
406-252-5151
Fax: 406-248-1803**

**The Tire Guys, Inc
2550 Gabel Road
Billings MT 59102
406-652-8473
Fax: 406-652-9577**

**Whalen Tire, Inc
319 W Griffin Drive
Bozeman, MT 59715
406-587-4342
Fax: 406-586-3888**

**Whalen Tire, Inc
1200 Central Ave West
Great Falls, MT 59404
406-727-4400
Fax: 406-727-4414**

**The Tire Guys, Inc
1627 3rd Street NW
Great Falls, MT 59404
406-761-4200
Fax: 406-761-4285**

**Whalen Tire, Inc
1935 Washington
Helena, MT 59601
406-442-4603
Fax: 406-442-0483**

**Pelican Truck Plaza
11360 S Frontage Road
Laurel, MT 59044
406-628-4324
Fax: 406-628-8442**

**Whalen Tire-Missoula
3002 West Broadway
Missoula, MT 59808
406-721-1030
Fax: 406-721-7281**

**Les Schwab Tire Centers of Montana
2800 West Broadway
Missoula, MT 59808
406-721-1770
Fax: 406-549-2567**

**The Tire Guys, Inc
2575 Hwy 10 West
Missoula, MT 59802
406-728-4331
Fax: 406-728-4699**

**Muralt's, Inc
I-90 & US93, Exit 96N
Missoula, MT 59808
406-728-4700
Fax: 406-728-1271**